

United States District Court for The
District of Alaska

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CLERK, U.S. DISTRICT COURT
FAIRBANKS, AK

SUMMONS & COMPLAINT

PLAINTIFF,

CARL DEMONBRUN

CIVIL CASE NO. _____

VS.

DEFENDANT,

OPTIONS EXPRESS INC.

Plaintiff Comes Before the Court Pro Se and Informa Paperis and Prays the Court to Grant the Writ and Relief so Requested In the Summons and Complaint to be served upon the named Defendant by the United States Marshall at his usual Place of Abode.

§ 77z-1. Private securities litigation

(a) Private class actions , Plaintiff Brings this matter before the Court:

(1) In general

The provisions of this subsection shall apply to each private action arising under this subchapter that is brought as a plaintiff class action pursuant to the Federal Rules of Civil Procedure.

(2) Certification filed with complaint , upon request;

(A) In general

Each plaintiff seeking to serve as a representative party on behalf of a class shall provide a sworn certification, which shall be personally signed by such plaintiff and filed with the complaint, that—

(i) states that the plaintiff has reviewed the complaint and authorized its filing;

(ii) states that the plaintiff did not purchase the security that is the subject of the complaint at the direction of plaintiff's counsel or in order to participate in any private action arising under this subchapter;

(iii) states that the plaintiff is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary;

(iv) sets forth all of the transactions of the plaintiff representative party on behalf of a class, including providing testimony at deposition and trial, if necessary;

(iv) sets forth all of the transactions of the plaintiff in the security that is the subject of the complaint during the class period specified in the complaint;

(v) identifies any other action under this subchapter, filed during the 3-year period preceding the date on which the certification is signed by the plaintiff, in which the plaintiff has sought to serve, or served, as a representative party on behalf of a class; and

(vi) states that the plaintiff will not accept any payment for serving as a representative party on behalf of a class beyond the plaintiff's pro rata share of any recovery, except as ordered or approved by the court in accordance with paragraph (4).

(B) Nonwaiver of attorney-client privilege

The certification filed pursuant to subparagraph (A) shall not be construed to be a waiver of the attorney-client privilege

(C) Statement of attorneys' fees or costs sought

Plaintiff (Petitioner) on Behalf of the settling parties or their counsel; intend to apply to the court for an award of attorneys' fees or costs from any fund established as part of the settlement, shall make a statement indicating which parties or counsel intend to make such an application, the amount of fees and costs that will be sought (including the amount of such fees and costs determined on an average per share basis), and a brief explanation supporting the fees and costs sought in the Amount not to exceed the Sum Total of \$500,000, which amounts to the Total Penalty fees paid in US District Court by "SEC Vs. Goldman Sacs" or the " US. Vs. Bernie Matoff" for Securities Fraud and running a Ponzi scheme.

(E) Reasons for settlement

A brief statement explaining the reasons why the parties are proposing the settlement.

(F) Other information

Such other information as may be required by the court

In any private action arising under this subchapter, all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss, unless the court finds, upon the motion of any party, that particularized discovery is necessary to preserve evidence or to prevent undue prejudice to that party. In any private action arising under this subchapter in which the plaintiff may recover money damages only on proof that a defendant acted with a particular state of mind, the court shall, when requested by a defendant, submit to the jury a

written interrogatory on the issue of each such defendant's state of mind at the time the alleged violation occurred. TITLE 15 > CHAPTER 2A > SUBCHAPTER I > § 77x

§ 77x. Penalties

Any person who willfully violates any of the provisions of this subchapter, or the rules and regulations promulgated by the Commission under authority thereof, or any person who willfully, in a registration statement filed under this subchapter, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$10,000 or imprisoned not more than five years, or both.

(13) The terms "buy" and "purchase" each include any contract to buy, purchase, or otherwise acquire. For security futures products, such term includes any contract, agreement, or transaction for future delivery. To Sell Short of Futures & Options is what is presented here by action of the named defendant. The Defendant is not a member of the New York Stock Exchange.

(14) The terms "sale" and "sell" each include any contract to sell or otherwise dispose of. For security futures products, such term includes any contract, agreement, or transaction for future delivery. To Include fraud and a Ponzi scheme as presented to the named defendants actions.

(15) The term "Commission" means the Securities and Exchange Commission established by section 78d of this title.

(16) The term "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or any other possession of the United States. IN RE: The State of Alaska, Division of Banking & Securities has been notified of this Action & Complaint.

(17) The term "interstate commerce" means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof. The term also includes intrastate use of

(A) any facility of a national securities exchange or of a telephone or other interstate means of communication, or

(B) any other interstate instrumentality.

Plaintiff petitions this court to grant the writ and proceed with actions to granting restitution and Relief as stated in the Complaint to include Court Cost and Attorneys Fees. As prescribed under the laws of the United States and grant the relief Petitioner is entitled to.

Executed On the 12 Day of September 2010,

Attorney for Plaintiff,

Carl K. DeMonbrun

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